

H.R. 4261: Improving Oversight to Protect Intelligence

Too often, information has been a political tug-of-war between Congress and the President, which makes it harder to protect the country. There should be a clear standard in the law that allows each branch of government to perform its constitutional duties without having vital national security programs or intelligence information used as a political football.

H.R. 4261 clarifies the law and develops a more objective standard that makes sense regardless of which party controls Congress or the White House. The improved standard empowers Congress to limit itself, rather than allowing the President to limit Congress. The bill specifically:

✓ **Strengthens requirement to provide Congress with intelligence information.**

- National Security Act of 1947 says “The President shall ensure that the congressional intelligence committees are kept fully and currently informed of the intelligence activities...”
- H.R. 4261 strengthens requirement by adding that Congress is entitled to “all information necessary to assess the lawfulness, effectiveness, cost, benefit, intelligence gain, budgetary authority, and risk of an intelligence activity.”

✓ **Strengthens requirement to inform about covert actions.**

- Current law requires President to notify Congress of “any significant undertaking pursuant to a previously approved finding” authorizing a covert action.
- H.R. 4261 defines “significant undertaking” to include an activity that:
 - (A) involves the potential for loss of life;
 - (B) requires an expansion of existing authorities . . . ;
 - (C) results in the expenditure of significant funds or other resources;
 - (D) requires notification under section 504(specifically authorized and funded by Congress);
 - (E) gives rise to a significant risk of disclosing intelligence sources or methods;
 - (F) could cause serious damage to the diplomatic relations of the United States if such activity were disclosed without authorization.”

✓ **Sets a clear standard for providing information to Congress.**

- Presumption is that all intelligence information shall be shared with the full House and Senate intelligence committees.
- If the President wants to restrict the information to a smaller group, he must submit his reasons to the Chair and Ranking Members in writing.
- The Chair and Ranking Member can agree to limit distribution of the information, or they can decide to provide the information to the full committee despite the President’s request. If the Chair and Ranking Member do not agree on the distribution, the information is restricted as the President requested.
- Information that is not provided to the full membership shall be provided to them as soon as possible. The same standard and procedures apply to intelligence information and covert actions.
- Thus, the President’s constitutional authority to classify information is protected, as is the Congress’s authority to set its own rules.